

Serial No.: 10/672,439

Attorney Docket No.: 2003P08209US01

**REMARKS**

Upon entry of the instant Amendment, Claims 1-19 are pending. Claims 1, 7, 12, and 17 have been amended to more particularly point out Applicants' invention. Claims 1-7, 9, 10, 12, 13 and 17-19 have been amended to overcome the Section 112 rejections. The Cross-Reference to Related Applications has been amended to provide updated serial numbers to the related applications. No new matter has been added.

The disclosure was objected to because of the absence of serial numbers in the cross reference to related applications. That section of the specification has been amended to provide the serial numbers. No new matter has been added.

The disclosure has additionally been objected to because of the use of the term "out of a range." Applicants respectfully submit that the Specification clearly states that "a remote device according to embodiments of the present invention may be affixed to an object, person, or pet and set to trigger an alarm *if it departs from a user-programmed range*" and that "[i]f the device exits the region or crosses the boundary, an alarm will be sent to an administration device...the user may also define. . .time. . .associations with the boundary." (See page 33). Thus, Applicants respectfully submit that "out of a range" or "outside a location" are not unclear.

Claims 1-19 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention: The use of the term "out" was objected to; the claims have been amended to recite "outside." The recitation of a "device" in claim 1 was objected to; claim 1 has been amended to recite a "system," as have its dependent claims. The inconsistency between the term "administrative" and "administration" was objected to; the claims have been amended to recite "administration" consistently. Claims 17 and 19 were objected to for reciting a "computer;" the claims have been amended to recite a "system." Applicants believe other objections are mooted by amendments to the claims, as will be discussed in greater detail below. As such, the

Serial No.: 10/672,439

Attorney Docket No.: 2003P08209US01

Examiner is respectfully requested to reconsider and withdraw the rejections.

Claims 1-19 have been rejected under 35 U.S.C. 102(e) as being anticipated by Yoakam et al., U.S. Patent Application No. 6,658,095 ("Yoakam"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Yoakam.

As discussed in the Specification, aspects of the present invention relate to a system and method for third-party location monitoring. A remote device may be affixed, for example to a person, and set to trigger an alarm if it departs from a predetermined location and speed over a particular period. In addition, the device and its corresponding location may be associated with one or more presence and availability rules that may define, for example, how the user associated with the device may be contacted, if necessary. For example, in one location, the user may be available via a cell phone; at another location, the user may be available through text messaging (see, e.g., claims 13-15).

Thus, claim 1 has been amended to recite "wherein said administration device is configured to maintain one or more availability rules associated with a user of said telecommunications device based on the position and speed over a predetermined period of the telecommunications device with respect to the predetermined location;" claim 7 has been amended to recite "wherein said administration device is configured to maintain one or more availability rules associated with a user of said wireless device based on the position and speed over a predetermined period of the wireless device with respect to the predetermined location;" claim 12 has been amended to recite "wherein said administration device is configured to maintain one or more availability rules associated with a user of said wireless device based on the position and speed over a predetermined period of the wireless device with respect to the predetermined location" and claim 17 has been amended to recite "wherein said administration device is configured to maintain one or more availability rules associated with a user of said

Serial No.: 10/672,439

Attorney Docket No.: 2003P08209US01

telecommunications device based on the position and speed over a predetermined period of the wireless communication device with respect to the predetermined location."

In contrast, Yoakam merely provides a system including presence and GPS location information. Yoakam does not provide for location information including "one or more availability rules associated with a user of said telecommunications device based on the position and speed over a predetermined period of the telecommunications device with respect to the predetermined location," as recited, for example, in claim 1. Indeed, Yoakam nowhere indicates, inter alia, that speed over a particular time is even a desirable criteria. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott, U.S. Patent No. 6,243,039 ("Elliott") in view of Teckchandani et al., U.S. Patent Application No. 2003/0151501 ("Teckchandani"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Elliott or Teckchandani, either singly or in combination.

As noted, above, the claims have been amended to generally recite "one or more availability rules associated with a user of said. . . device based on the position and speed over a predetermined period of the telecommunications device with respect to the predetermined location." Neither Elliott nor Teckchandani appear to relate, inter alia, to a system capable of using speed over a particular time as a rule criteria.

As discussed in response to the previous Official Action, Elliott provides a system for monitoring the location of a child. An automatic update of the current location can be triggered. While delivery of the location information may be provided by various media, Elliott does not appear to have anything to do with, for example, presence and availability rules associated with the user's position or speed over a predetermined period. That is, Elliott does not appear to define rules for contacting a user that are associated with the user's location or speed over a particular period, as

Serial No.: 10/672,439

Attorney Docket No.: 2003P08209US01

generally recited in the claims at issue.

Like Elliot, Teckchandani also does not appear to have anything to do with defining availability rules associated with a user's location and speed over a particular period, as generally recited in the claims at issue. Teckchandani relates, for example, to a vehicle monitoring system that can activate an alarm, for example, if the vehicle is stolen, removed from a particular area, or speeding. While the user can enable remotely controlled features of the vehicle, the user does not appear to be able to set one or more availability rules based on the vehicle's location and speed over a particular period. As such, the Examiner is respectfully requested to reconsider and withdraw the rejections.

Claims 1-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al., U.S. Patent Application 2004/0203903 ("Wilson"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Wilson.

Wilson relates to a system for providing information on a "location of friend" and receive directions to a location. While a given user can become "invisible" to another, Wilson, however, does not appear to relate to a rules-based system having "one or more availability rules associated with a user of said . . . device based on the position and speed over a predetermined period of the . . . device with respect to the predetermined location." That is, while the parties can apparently set an invisibility schedule, Wilson does not appear to relate to availability rules based on location and speed when the party is visible. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Serial No.: 10/672,439

Attorney Docket No.: 2003P08209US01

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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